


Randal S. Mashburn
U.S. Bankruptcy Judge



Dated: 10/3/2019

**IN THE UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF TENNESSEE**

IN RE: CAPSTONE PEDIATRICS, PLLC)
)
)
LAVON HOUSE,)
)
Movant,)
)
vs.) **CASE NO: 3:19-bk-01971**
) **(CHAPTER 11)**
)
CAPSTONE PEDIATRICS, PLLC,)
)
Respondent.)

**AGREED ORDER GRANTING MOTION FOR RELIEF
FROM AUTOMATIC STAY**

THIS MATTER came before the Court on the Motion for Relief from Automatic Stay (the “Motion”) filed by party-in-interest LaVon House (“Movant”). No objections to the Motion have been filed. Based upon the Motion, the entire record in this cause, and the signatures of counsel below, the Court finds and Orders as follows:

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1334. Venue in this Court is proper pursuant to 28 U.S.C. §§ 1408 and 1409. This matter is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(G), and this Court has the authority and power to enter a final order in this contested matter.

2. Capstone Pediatrics, PLLC (“Debtor”) filed a voluntary petition for relief under Chapter 11 of Title 11 of the United States Code, 11 U.S.C. §§ 101-1532, et seq. in the United States Bankruptcy Court for the Middle District of Tennessee on or about March 28, 2019 (the “Petition Date”).

3. Prior to the Petition Date, and on April 20, 2018, Movant filed a complaint against the Debtor, Gary Griffith, M.D., and Lauren Fincher Devine (collectively, “Defendants”) in the Circuit Court of Davidson County, Tennessee, as Case No. 18C1014 (the “State Court Suit”). The State Court Suit seeks damages against Defendants for health care liability for alleged torts arising under Tennessee law and requests damages to be determined by a jury.

4. The State Court Suit seeks to liquidate LaVon House’s claim against Defendants, including the Debtor, upon which a portion (or all) of such claim should be covered by Debtor’s insurance.

5. Since the State Court Suit was filed, the parties have undergone significant discovery, including depositions. Given the procedural history and current posture of the State Court Action, the Circuit Court of Davidson County, Tennessee is in the best position to proceed to trial to liquidate LaVon House’s claim against the Debtor.

6. Prior to the filing of the Joint Motion, LaVon House has not recovered any sum of money toward satisfaction of the claims asserted against the Debtor in the State Court Suit.

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED:

a. Immediately upon the entry of this Order, the automatic stay will be terminated to allow LaVon House to proceed to liquidate her claim against the Debtor in the State Court Suit;

b. The 14-day provisions of Fed. R. Bankr. P. 4001(a)(3) are hereby waived; and To the extent any damages are awarded against the Debtor and such damages exceed the insurance coverage, LaVon House may file a claim against the Debtor’s estate in the normal course

IT IS SO ORDERED this the _____ day of _____, 2019.

RANDAL S. MASHBURN
UNITED STATES BANKRUPTCY JUDGE
MIDLLE DISTRICT OF TENNESSEE

APPROVED FOR ENTRY:

/s/ Burke Keaty

Jenney S. Keaty (TN BPR#027554)
Burke Keaty (TN BPR#027342)
Morgan & Morgan- Nashville, PLLC
810 Broadway, Suite 105
Nashville, TN 37203
Phone: 615-986-6235
Fax: 615-514-4196
Email: JKeaty@forthepeople.com
Counsel for Movant

/s/ David Houston

David W. Houston, IV
Emily C. Taube
Burr & Forman, LLP
222 Second Avenue South
Suite 2000
Nashville, TN 37201
Phone: 615-724-3215
Fax: 615-724-3315
Email: dhouston@burr.com
Email: etaube@burr.com
Counsel for Debtor/Respondent

PARTIES TO BE SERVED:

Debtor
Debtor's Counsel
Chapter 11 Trustee
United States Trustee
The Creditor Matrix

This Order has been electronically signed. The Judge's signature and Court's seal appear at the top of the first page.
United States Bankruptcy Court.